

REMARKS

Initially, Applicant would like to thank the Examiner for the courtesies extended and time taken in the telephonic interview granted on February 13, 2003. Based on the discussion of the references within that interview, as well as the related references referred to in the last office action, Applicant has amended the present claims to better define the invention, and to place the claims in condition for allowance.

The Examiner has rejected Claims 1-5 under 35 U.S.C. §102(b), based on the contention that they are anticipated by PCT Publication no. WO 91/02831, published for Glass (Glass '831). In the telephonic interview of Feb. 13, the Glass '831 reference was discussed relative to the original Claim 1, and the language of that claim. The Examiner noted that the original Claim 1, which included the language "a molded outer layer," did not define a structure that differentiated the present invention from Glass '831. Applicant still traverses the Examiner's rejections. In order to place the present application in condition for allowance, however, Applicant has amended Claim 1 above so as to better define the structure of the present invention, which structure is also patentably distinct from the device shown in Glass '831. Specifically, Claim 1 was amended above to clarify that the blade has a unitary outer surface, which has one or more regions thereon with a raised, roughened texture. Such a configuration is not shown in Glass '831, which instead forms a roughened surface from a multitude of individual diamond-like grains. Therefore, Applicant submits that Claim 1 is no longer anticipated by Glass '831.

Further, due to the nature of the device in Glass '831, it would not be obvious to include a unitary outer surface in that device. Glass '831 teaches attaching a much harder substance, namely diamond grains, to a softer surface in order to create a hardened striking surface for a putter. Thus, Glass '831 relies on the use of two different substances, one of a softer material

and one of a harder material, to create the integrated striking instrument.

The present invention, on the other hand, recognizes that a single material can be molded into a unitary outer surface of a blade, and then hardened to form single, unitary striking surface.

Such a configuration has numerous advantages over the prior art, including longevity of the surface (diamond grains can be individually flaked off, lessening coverage of the hardened surface), and ease of manufacture, among others. As Glass '831 is directed towards a dual material device, instead of the unitary outer surface as claimed in the present invention, it actually teaches away from the presently claimed embodiment. Therefore, Applicant submits that currently-amended Claim 1 is in patentable condition as now amended.

The Examiner has also rejected Claims 6-11 and 14-19 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,364,793, issued to Valarik (Valarik '793). In the telephonic interview of Feb. 13, 2003, the Examiner clarified that the adhesive layer of Valarik '793 was (1) capable of being "embedded" into the blade surface (See Example 2 of Valarik '793, Col. 2, Lines 27-30), and (2) consisted in some embodiments of a grains of material joined together to form a single adhesive piece covering the entire blade surface, which the Examiner considered to be a "series" of shock absorbing elements. Applicant still respectfully traverses the Examiner's rejections. It appears that there are some minor language misunderstandings with the present claims, and as such Applicant has deleted Claim 16, and amended Claims 14 and 19 to better clarify the invention. As amended, Claims 14 and 19 are not taught, disclosed or even suggested by any prior art references.

Claims 14 and 19 were both amended to claim that at least one of the outer sides of the blade includes at least two cavities that are spaced apart from one another within the side of the blade, with each cavity having a shock-absorbing element embedded therein. Valarik '793, on

the other hand, shows a single recessed area within which a single, continuous adhesive layer placed. Thus, Applicant submits that Claims 14 and 19, as amended, are not anticipated by Valarik '793.

Further, given the disclosure of Valarik '793, the presently claimed invention would not be obvious either. Valarik '793 attempts to address the issue of an "undesireably smooth" blade surface by placing an adhesive layer across the face of the stick. What Valarik '793 fails to recognize, however, is that the adhesive layer itself causes an additional problem due to its resiliency, in that shot accuracy can be compromised, and caught passes can be inadvertently bounced off the face of the blade, reducing puck control and handling.

The present invention, on the other hand, recognizes that the use of the blade itself provides the optimum surface for puck handling and shot accuracy. Thus, a space is maintained between two or more shock absorbing elements on the blade surface to allow the puck to (1) have its kinetic energy at least partially dissipated by the shock-absorbing elements, and (2) still be at least partially in contact with the blade surface to allow that surface, in combination with the shock-absorbing elements, to direct the handling and shooting of the puck.

Valarik '793 only addresses the lateral handling of the puck, that is the puck-handling while the puck is maintained in contact with the blade. It does not recognize the considerable problems that are introduced by creating an entire blade surface which has an adhesive material thereon. Thus, the presently amended Claims 14 and 19 would not be obvious in light of Valarik '793, as that reference actually teaches away from having additional shock-absorbing elements, as is not claimed in those claims.

In addition to the above, Applicant has also added Claims 22 and 23 which depend from Claims 5 and 22, respectively. These claims are based on the disclosure starting at the end of

Page 5 and continuing on Page 6 of the current specification. Therefore, Applicant submits that these claims introduce no new information into the present application, and respectfully requests entry of these additional claims, along with all other claims in the application.

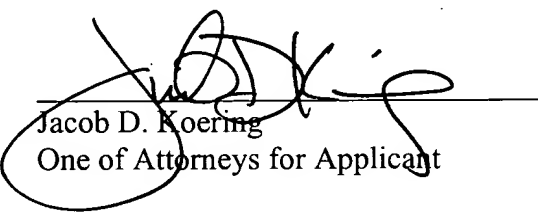
Based on the above, Applicant submits that Claims 1, 14 and 19, as amended, are not taught, disclosed or suggested by any prior art reference, including those cited by the Examiner, either alone or in combination with one another. Further, Applicant submits that the remaining claims in the application, namely Claims 2-13, 15, 17-18, and 22-23 all depend from one Claims 1, 14 or 19, and should therefore also now be in condition for allowance. Therefore, reconsideration and passage to allowance of Claims 1-15, 17-19, and 22-23 is respectfully requested.

Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully invited.

Respectfully submitted,

FACTOR & PARTNERS, LLC

Dated: April 14, 2003

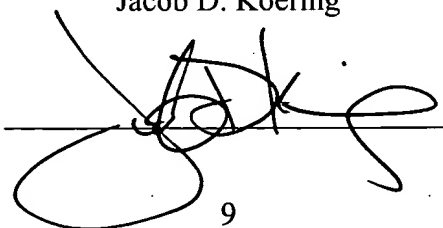


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on April 14, 2003.

Jacob D. Koering



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